

Remarks

The final Office Action dated March 9, 2009 indicated that the abstract to the specification is objected to because it contains the word “means,” and further indicated the following rejections: claims 1-4, 7-18 and 22-26 stand rejected under 35 U.S.C. § 102(b) over Biegelsen *et al.* (U.S. Patent No. 6,089,534); claims 5-6 stand rejected under 35 U.S.C. § 103(a) over the ‘534 reference in view of Bryant (U.S. Patent No. 6,856,073); and claims 19-21 stand rejected under 35 U.S.C. § 103(a) over the ‘534 reference in view of Uchikawa (U.S. Patent No. 3,947,644). As the Final Office Action (as with the Advisory Action) generally fails to address the import of Applicant’s responses of record, Applicant fully incorporates its traversals of record herein. Accordingly, Applicant traverses all of the rejections and, unless stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant submits that all claim rejections are improper. For example, the ‘534 reference is cited because its air flow control valve for directing paper in a machine is alleged to somehow operate to generate sound as claimed (*i.e.*, as a speaker). This rejection impermissibly correlates art from completely unrelated fields in a manner that is unsupported in any of the cited references or in the art as a whole. Notwithstanding this, Applicant has amended the claims in an effort to facilitate prosecution. As consistent with the exemplary embodiments described throughout the specification, the amended claims recite that the generated audio is based upon an audio input (*e.g.*, a voice or music), and that the diaphragm is specifically controlled to reproduce audio based upon received audio data. For instance, various embodiments are directed to a loudspeaker device for generating audio in a mobile telephone. The cited references do not disclose, teach or suggest such limitations.

In view of the above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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